

SB0130S02 compared with SB0130S01

~~text~~ shows text that was in SB0130S01 but was deleted in SB0130S02.

text shows text that was not in SB0130S01 but was inserted into SB0130S02.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Senator Scott D. Sandall proposes the following substitute bill:

REGULATION OF CONCENTRATED ANIMAL FEEDING OPERATIONS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott D. Sandall

House Sponsor: ~~text~~ Joel Ferry

LONG TITLE

General Description:

This bill enacts provisions related to large concentrated animal feeding operations.

Highlighted Provisions:

This bill:

- ▶ enacts the Large Concentrated Animal Feeding Operations Act, including:
 - defining terms;
 - requiring adoption of county large concentrated animal feeding operation land use ordinances under certain circumstances;
 - addressing scope of a county large concentrated animal feeding operation land use ordinance; and

SB0130S02 compared with SB0130S01

- addressing determining the geographic area where large concentrated animal feeding operations may be located.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

17-27a-1101, Utah Code Annotated 1953

17-27a-1102, Utah Code Annotated 1953

17-27a-1103, Utah Code Annotated 1953

17-27a-1104, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **17-27a-1101** is enacted to read:

Part 11. Large Concentrated Animal Feeding Operations Act

17-27a-1101. Title.

This part is known as the "Large Concentrated Animal Feeding Operations Act."

Section 2. Section **17-27a-1102** is enacted to read:

17-27a-1102. Definitions.

(1) "Animal feeding operation" means a lot or facility where the following conditions are met:

(a) animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period; and

(b) crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

(2) (a) "Commercial enterprise" means a building:

(i) used as a part of a business that manufactures goods, delivers services, or sells goods or services;

(ii) customarily and regularly used by the general public during the entire calendar year; and

SB0130S02 compared with SB0130S01

(iii) connected to electric or water systems.

(b) "Commercial enterprise" does not include an agriculture operation.

(3) "County large concentrated animal feeding operation land use ordinance" means an ordinance adopted in accordance with Section 17-27a-1103.

(4) "Education institution" means a building in which any part is used:

(a) for more than three hours each weekday during a school year as a public or private:

(i) elementary school;

(ii) secondary school; or

(iii) kindergarten;

(b) a state institution of higher education as defined in Section 53B-3-102; or

(c) a private institution of higher education in the state accredited by a regional or national accrediting agency recognized by the United States Department of Education.

(5) "Health care facility" means the same as that term is defined in Section 26-21-2.

(6) "Large concentrated animal feeding operation" means an animal feeding operation that stables or confines as many as or more than the numbers of animals specified in any of the following categories:

(a) 700 mature dairy cows, whether milked or dry;

(b) 1,000 veal calves;

(c) 1,000 cattle other than mature dairy cows or veal calves, with "cattle" including heifers, steers, bulls, and cow calf pairs;

(d) 2,500 swine each weighing 55 pounds or more;

(e) 10,000 swine each weighing less than 55 pounds;

(f) 500 horses;

(g) 10,000 sheep or lambs;

(h) 55,000 turkeys;

(i) 30,000 laying hens or broilers, if the animal feeding operation uses a liquid manure handling system;

(j) 125,000 chickens, other than laying hens, if the animal feeding operation uses other than a liquid manure handling system;

(k) 82,000 laying hens, if the animal feeding operation uses other than a liquid manure handling system;

SB0130S02 compared with SB0130S01

(l) 30,000 ducks, if the animal feeding operation uses other than a liquid manure handling system; or

(m) 5,000 ducks, if the animal feeding operation uses a liquid manure handling system.

(7) "Manure" includes manure, bedding, compost, a raw material, or other material commingled with manure or set aside for disposal.

(8) "Public area" means land that:

(a) is owned by the federal government, the state, or a political subdivision with facilities that attract the public to congregate and remain in the area for significant periods of time;

(b) (i) is part of a public park, preserve, or recreation area that is owned or managed by the federal government, the state, a political subdivision, or a nongovernmental entity; and

(ii) has a cultural, archaeological, scientific, or historic significance or contains a rare or valuable ecological system, including a site recognized as a National Historic Landmark or Site; or

(c) is a cemetery.

(9) "Religious institution" means a building and grounds used at least monthly for religious services or ceremonies.

Section 3. Section **17-27a-1103** is enacted to read:

17-27a-1103. County adoption of a county large concentrated animal feeding operation land use ordinance.

(1) (a) The legislative body of a county desiring to restrict siting of large concentrated animal feeding operations shall adopt a county large concentrated animal feeding operation land use ordinance in accordance with this part by no later than ~~May~~February 1, 2022.

(b) A county may consider an application to locate large concentrated animal feeding operations in the county before the county adopts the county large concentrated animal feeding operation land use ordinance under this part.

(2) A county large concentrated animal feeding operation land use ordinance described in Subsection (1) shall:

(a) designate ~~the~~ geographic areas ~~within the county in which~~ of sufficient size to support large concentrated animal feeding operations ~~may be located~~, including state trust lands described in Subsection 53C-1-103(8) and private property within the county, including

SB0130S02 compared with SB0130S01

adopting a map described in Section 17-27a-1104;

(b) establish requirements and procedures for applying for land use decision that provides a reasonable opportunity to operate large concentrated animal feeding operations within the geographic area described in Subsection (2)(a);

(c) disclose fees imposed to apply for the land use decision described in Subsection (2)(b);

(d) disclose any requirements in addition to fees described in Subsection (2)(c) to be imposed by the county; and

(e) provide for administrative remedies consistent with this chapter.

(3) (a) This part does not authorize a county to regulate the operation of large concentrated animal feeding operations in any way that conflicts with state or federal statutes or regulations.

(b) Nothing in this part supersedes or authorizes enactment of an ordinance that infringes on Chapter 41, Agriculture, Industrial, or Critical Infrastructure Materials Protection Areas, or Title 4, Chapter 44, Agricultural Operations Nuisances Act.

Section 4. Section **17-27a-1104** is enacted to read:

17-27a-1104. Criteria considered in adopting the geographic area of a county large concentrated animal feeding operation land use ordinance -- Maps -- Exception.

(1) (a) To determine the geographic areas where large concentrated animal feeding operations may be located under a county large concentrated animal feeding operation land use ordinance, the county shall consider:

(i) the distance of the geographic area measured in feet from the following:

(A) a residential zone;

(B) a health care facility;

(C) a public area;

(D) an education institution;

(E) a religious institution;

(F) a commercial enterprise;

(G) a municipal boundary; and

(H) a state or county highway or road;

(ii) prevailing winds;

SB0130S02 compared with SB0130S01

(iii) topography;

(iv) economic benefits to the county; and

(v) ~~reasonable~~ access to transportation, water, and power infrastructure.

(b) A county may consider criteria in addition to those described in Subsection (1)(a).

(2) After considering the factors described in Subsection (1), the county shall designate the geographic areas where large concentrated animal feeding operations may locate as required by Subsection 17-27a-1103(2)(a) and prepare a map available to the public showing the geographic areas in the county.

(3) A county may not designate a geographic area for large concentrated animal feeding operations based solely on a uniform setback distance requirement from the locations described in Subsection (1)(a)(i), but shall determine the geographic area by evaluating all criteria in Subsection (1).

~~{ (4) If the county establishes different geographic areas for large concentrated animal feeding operations based on animal species type, the county shall provide the rationale as to how the establishment of different geographic areas based on animal species type promotes the general welfare and best interests of county residents.~~

~~{~~ (~~5~~4) A county shall designate at least one geographic area within the county where large concentrated animal feeding operations for ~~{any}~~all animal species listed in Subsection 17-27a-1102(6) may be located unless the county demonstrates that one of the following makes it ~~{impossible}~~not feasible for the county to meet the criteria described in this section:

(a) the county's population density; or

(b) the county's population density relative to the amount of private land within the county.